

Instrument prepared by:

**VIRGINIA GAS AND OIL BOARD**

Order recorded under:

**CODE OF VIRGINIA****§ 45.1-361.26****VIRGINIA:****BEFORE THE GAS AND OIL BOARD****APPLICANTS:**

CNX Gas Company LLC on behalf of Hurt McGuire Land Trust and one member of the Thomas Stilwell Heirs plus four members of the Linkous Horn Heirs.

**DOCKET NO.****98-0325-0681-04****RELIEF SOUGHT:**

Issuance: A Supplemental Order for Disbursement of Escrowed Funds  
 Action: Amending Prior Orders Affecting Drilling **S-35**,  
**a portion of Tracts 2 and 3**  
 (Referenced herein as "the Subject Drilling Unit")

Location: **Buchanan County, Virginia**

**Action Details:**

- (1) To provide a calculation of funds, Unit Operator has deposited into the Escrow Account for Drilling Unit **S-35** by Tract Subaccounts;
- (2) To provide each applicant, in simple terms, a complete month over month Royalty Accounting of unit production, costs, taxes and proceeds, depicting variables used in the calculation of royalty payments to the unit escrow account.
- (3) To disburse unit funds to the Applicants, in accordance with their Unit Ownership Interests relative to those funds deposited by the Unit Operator into Subject Drilling

**REPORT OF THE BOARD****FINDINGS AND ORDER**

1. **Hearing Date and Place:** This matter came on for final hearing before the Virginia Gas and Oil Board (herein "Board") at 9:00 a.m. on March 16, 2010 at the Russell County Government Center Conference Center, 129 Highland Drive, Lebanon VA.
2. **Appearances:** , Mark A. Swartz, Esq. SWARTS Law Offices PLLC appeared for the Unit Operator; and Sharon M.B. Pigeon, Assistant Attorney General, was present to advise the Board.
3. **Jurisdiction and Notice:** Pursuant to Va. Code §§ 45.1-361.1 *et seq.*, and in particular Va. Code §§ 45.1-361.21 and 45.1-361.22, the Board finds that it has jurisdiction over the establishment and maintenance of an escrow account, with tract sub accounts, for each of the coalbed methane gas drilling units established by the Board through its field rules that are subject to a Board pooling order. Further, the Unit Operator is required to deposit, as applicable, those funds specified in Va. Code § 45.1-361.21.D., 45.1-361.22.A.2, 45.1-361.22.A.3 and 45.1-361.22.A.4 into the applicable escrow tract sub accounts. The Board finds that: (1) while it **does not** have jurisdiction to resolve conflicting claims to the ownership of the Coalbed Methane Gas produced by the Unit Operator from wells located on Subject Drilling Unit, and (2) while it **does not** have jurisdiction to interpret agreements by and between the Gas owners/claimants and/or the Unit Operators or to abridge or contravene the provisions of such agreements, (3) pursuant to Va. Code § 45.1-361.22.A.5, **the Board does have jurisdiction and authority to disburse funds from the Escrow Account** provided the Board has been provided with a final decision of a court of competent jurisdiction adjudicating the ownership of coalbed methane gas as between the conflicting claimants or an agreement among all claimants owning conflicting estates in the tracts in question or any undivided interest therein.

4. **Prior Proceedings:**

- 4.1. (a) On March 24, 1998 the Board executed its order pooling interests in the Subject Drilling Unit for the production of occluded natural gas produced from coalbeds and rock strata associated therewith (herein "Gas") in accordance with the provisions of Va. Code SS 45.1-361.21 and 45.1-361.22 (herein "Pooling Order"). The Pooling Order was filed with the Clerk of the Circuit Court of Buchanan County on December 7, 1998, Instrument Number 980003256. The Board executed its Supplemental Order Regarding Elections that was filed with the Clerk on May 12, 1999, Instrument Number 990001278.
  - 4.1.1 The Board executed its Supplemental Order -01 regarding an Elections of Unit S-35 and Modification of the Pooling Order filed with the clerk on April 2, 2005 Instrument 040001006 and making additions and corrections from the unit operator. Additionally, a -01 Supplemental order was filed with the Clerk on September 6, 2006, Instrument Number 060003156.
  - 4.1.2 The Board executed its Supplemental Order -02 on May 16, 2006 regarding a Modification of the Pooling Order and making additions and corrections from the unit operator; filed with the Clerk on September 26, 2006, Instrument Number 060003146. (Hereafter all orders are collectively referred to as the "Pooling Orders").
  - 4.1.3 BECAUSE OF AN OVERPAYMENT TO Arthur M. Stilwell from Unit T-36 VGOB -98-0324-0625-05 in 2007, a portion of the T-36 overpayment will be recovered and a transfer of funds will occur from this Unit and disbursement to Unit T-36.
  - 4.1.4 On April 21, 2009, the Board executed its Supplemental Order -03 for Disbursement of funds on behalf of Hurt McGuire Land Trust and six members of the Thomas Stilwell Heirs plus four members of the Linkous Horn Heirs. The Disbursement Order -03 was filed with the Clerk of the Circuit Court in Buchanan County, Virginia on August 4, 2009, Instrument 090002349. This Supplemental Order -03 for Disbursement was revised on August 31, 2009 to correct disbursement percentages and payments due gas owners. The revised Supplemental Order was recorded with the Clerk of the Circuit Court in Buchanan County, Virginia on October 29, 2009, Instrument 090003364.
- 4.2 To the extent claims to the Gas were in conflict, pursuant to Va. Code S 45.1-361-22 payments attributable to said conflicting claims were ordered deposited by the Unit Operator into the escrow account established by the Pooling Orders (herein "Escrow Account"). According to the Pooling Orders and testimony, the coal estate ownership interests of Hurt McGuire Land Trust; and the gas ownership interests of certain of the Thomas Stilwell heirship in tract 2 and Linkous Horn Heirs in Tract 3 in the Subject Drilling Unit were in conflict and became subject to the escrow requirements of the Pooling Order.
- 4.3 The Unit Operator's Miscellaneous Petition regarding a portion of tract 2 and tract 3 a copy of which is attached to and made a part hereof, states under oath that Hurt McGuire Land Trust and the Applicants have entered into an agreement with regards to a portion of Tracts 2 and 3 and that by the terms of the agreements, Hurt McGuire Land Trust has entered into a split agreement regarding these tracts and escrow regarding these individual conflicting claims detailed herein, is no longer required for these parties.
- 4.4 The Unit Operator gave notice to Hurt McGuire Land Trust and the applicants that the Board would consider its disbursement authorization at its hearing on March 16, 2010 and consider whether to: (1) amend the Pooling Order to provide for the disbursement a portion of funds on deposit in the Escrow Account attributable to a portion of tracts 2 and 3 identified in the attached miscellaneous petition (2) delete the requirement that the Unit Operator place future royalties attributable to a portion of said Tracts 2 and 3 the interests of Applicants identified in the miscellaneous petition in the Escrow Account, and (3) continue the escrow account under this docket number because there are other parties under this order subject to continued payments in the escrow under Tracts 2 and 3.
- 4.5 The Unit Operator filed the attached accounting for Subject Drilling Unit's Escrow Account with the Board ("Accounting").

## 5. Findings:

### 5.1. Va. Code 45.1-361.22.5 provides:

*The Board shall order payment of principal and accrued interests, less escrow account fees, from the escrow account to conflicting claimants within thirty days of receipt of notification of (i) a final decision of a court of competent jurisdiction adjudicating the ownership of coalbed methane gas as between them or (ii) an agreement among all claimants owning conflicting estates in the tracts in question or any undivided interest therein. The amount to be paid to the conflicting claimants shall be determined based on the percentage of ownership interest of the conflicting claimants as shown in the operator's supplemental filing made part of the pooling order that established the escrow account, the operator's records of deposits attributable to those tracts for which funds are being requested, and the records of the escrow account for the coalbed methane gas drilling unit. The interests of any cotenants who have not entered into an agreement shall remain in the escrow account.*

### 5.2 Applicant has certified and represented to the Board that:

- (1) Hurt McGuire Land Trust and one of the Thomas Stilwell heirship (Theodore Stilwell) property in Tract 2; Hurt McGuire Land Trust and certain individuals of the Linkous Horn Heirship ( Patricia Horton, Nancy Ann Stilwell, Martha Smith and Sara Day) in Tract 3, are the owners of the coal and gas acreage estate underlying a portion of VGOB Tract 2 and VGOB Tract 3 of the Subject Drilling Unit;

- (2) Net interests attributable and to be disbursed to Applicants are shown in Table 1,

VGOB Approved Disbursement VGOB-98-0915-0681-04 S-35			Frac Interest	Acreage Interest Disbursed	Split Agreement	Escrowed Acres Total	% of Escrowed Funds
<b>Table 1</b>							
<b>Item</b>	<b>Tract</b>	<b>Disbursement Table</b>					
		Totals				1.5717	
		Hurt McGuire Land Trust					
1	2	Hurt McGuire Land Trust C/o Charles Green / PO Box 1067 / Bluefield, VA 24605	6.67	0.0926	50.0%	0.046	2.9472%
		Thomas Stilwell Heirs - Oil & Gas	6.67				
2	2	Theodore Stilwell / HC66 Box 112A / Whitewood, VA 24657	1/72	0.0926	50.0%	0.046	2.9472%
		Hurt McGuire Land Trust					
3	3	Hurt McGuire Land Trust C/o Charles Green / PO Box 1067 / Bluefield, VA 24605	1.15	0.3514	50.0%	0.176	11.1789%
		Linkous Horn Heirs - Oil & Gas	1.15				
4	3	Patricia D. Horton / 1 Birch Street / Raven VA 24639	1/180	0.0064	50.0%	0.003	0.2033%
5	3	Nancy Ann Horn Stilwell / 140 Rasnake Road / North Tazewell VA 24630	1/10	0.1150	50.0%	0.058	3.6585%
6	3	Martha Smith / PO Box 395 / Max Meadows, VA 24360	1/10	0.1150	50.0%	0.058	3.6585%
7	3	Sara Horn Day / PO Box 208 / Peterstown WV 24963	1/10	0.1150	50.0%	0.058	3.6585%

## 6. Relief Granted:

For the reasons set forth in Paragraph 4 and 5 above, and based upon the Accounting and Table 1 above, the Escrow Agent is ordered to, within 10 days of receipt of this executed order to disburse funds for the unit and applicants detailed in Table 1 above.

Exhibit E to the Pooling Order, showing owners subject to escrow, is deleted and replaced with the Exhibit E attached to this order. Further, the Supplemental Order filed in this cause is hereby modified to delete the requirement that payments attributable to the conflicting coalbed methane gas ownership interests of those applicants indicated in Table 1 be deposited by the Unit Operator into the Escrow Account, and, because there are other owners subject to escrow under the Supplemental Order, the Escrow Agent is directed to continue the Escrow Account for Subject Drilling Unit. To the extent not specifically granted herein, any other or further relief is denied.

7. **Conclusion:**

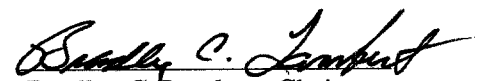
Therefore, the requested relief and all terms and provisions set forth above in Paragraph 6 above be and hereby are granted and **IT IS SO ORDERED.**

8. **Appeals:**

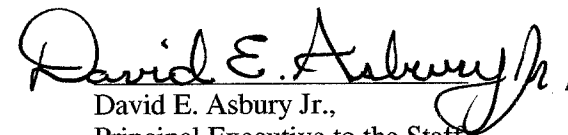
Appeals of this Order are governed by the provisions of Va. Code § 45.1-361.9 which provides that any order or decision of the Board may be appealed to the appropriate circuit court and that whenever a coal owner, coal operator, gas owner, gas operator, or operator of a gas storage field certificated by the State Corporation Commission is a party in such action, the court shall hear such appeal de novo.

9. **Effective Date:** This Order shall be effective on the date of its execution.

DONE AND EXECUTED this 10 day of May, 2010 by a majority of the Virginia Gas and Oil Board.

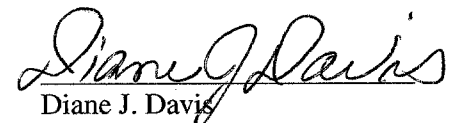
  
Bradley C. Lambert, Chairman

DONE AND PERFORMED this 10 day of May, 2010 by an Order of this Board.

  
David E. Asbury Jr.,  
Principal Executive to the Staff  
Virginia Gas and Oil Board

COMMONWEALTH OF VIRGINIA )  
COUNTY OF RUSSELL )

Acknowledged on this 10<sup>th</sup> day of May, 2010, personally before me a notary public in and for the Commonwealth of Virginia, appeared **Bradley C. Lambert**, being duly sworn did depose and say that he is the Chairman of the Virginia Gas and Oil Board and **David E. Asbury Jr.**, being duly sworn did depose and say that he is Principal Executive to the Staff of the Virginia Gas and Oil Board, that he executed the same and was authorized to do so.

  
Diane J. Davis  
Notary Public #174394

My commission expires: 09 / 30 / 2013



BEFORE THE VIRGINIA GAS AND OIL BOARD

PETITIONER: CNX Gas Company LLC

DIVISION OF GAS AND OIL

DOCKET NO: VGOB 98-0915-0681-04

RELIEF SOUGHT: (1) DISBURSEMENT FROM  
ESCROW REGARDING a portion of TRACT(S) 2 & 3  
(2) AND AUTHORIZATION FOR DIRECT  
PAYMENT OF ROYALTIES

HEARING DATE: March 16, 2010

DRILLING UNIT: S-35

BUCHANAN COUNTY, VIRGINIA

MISCELLANEOUS PETITION

1. **Petitioner and its counsel:** Petitioner is CNX Gas Company LLC, 2481 John Nash Boulevard, Bluefield, WV 24701, 304/323-6500. Petitioner's counsel is Mark A. Swartz, **SWARTZ LAW OFFICES, PLLC.**, 601 Sixth Avenue, Suite 201, P.O. Box 1808, St. Albans, WV 25177-1808.

2. **Relief sought:** (1) the disbursement of escrowed funds heretofore deposited with the Board's Escrow Agent(s) attributable to a portion of Tract(s) 2 & 3 as depicted upon the annexed Exhibit A; and (2) authorization to begin paying royalties directly to the parties to the royalty split between Hurt McGuire Land Trust and Theodore Stilwell, Hurt McGuire Land Trust and Patricia Horton, Nancy Ann Stilwell, Martha Smith, and Sarah Day

3. **Legal Authority:** Va. Code Ann. § 45.1-361.1 et seq., 4 VAC 25-160-140., and relevant Virginia Gas and Oil Board Orders ("Board") heretofore promulgated pursuant to law.

4. **Type of well(s):** Coalbed methane.

5. **Factual basis for relief requested:** Hurt McGuire Land Trust and Theodore Stilwell, Hurt McGuire Land Trust and Patricia Horton, Nancy Ann Stilwell, Martha Smith, and Sarah Day have entered into royalty split agreement(s). Said royalty split agreement allows the Applicant and Designated Operator to pay royalties directly to the persons identified in Exhibit EE annexed hereto and the annexed Exhibit A, further, specifies how said royalties are to be divided and paid.

6. **Attestation:** The foregoing Petition to the best of my knowledge, information, and belief is true and correct.

CNX GAS COMPANY LLC  
BY ITS PROFESSIONAL MANAGER  
CNX GAS COMPANY LLC, PETITIONER

By: 

Anita D. Duty  
Pooling Supervisor  
CNX Land Resources, Inc.  
2481 John Nash Blvd.  
Bluefield, West Virginia 24701

PROPERTY LINES SHOWN WERE TAKEN FROM MAPS PROVIDED BY CNX LAND RESOURCES, Inc. AND WERE NOT SURVEYED.

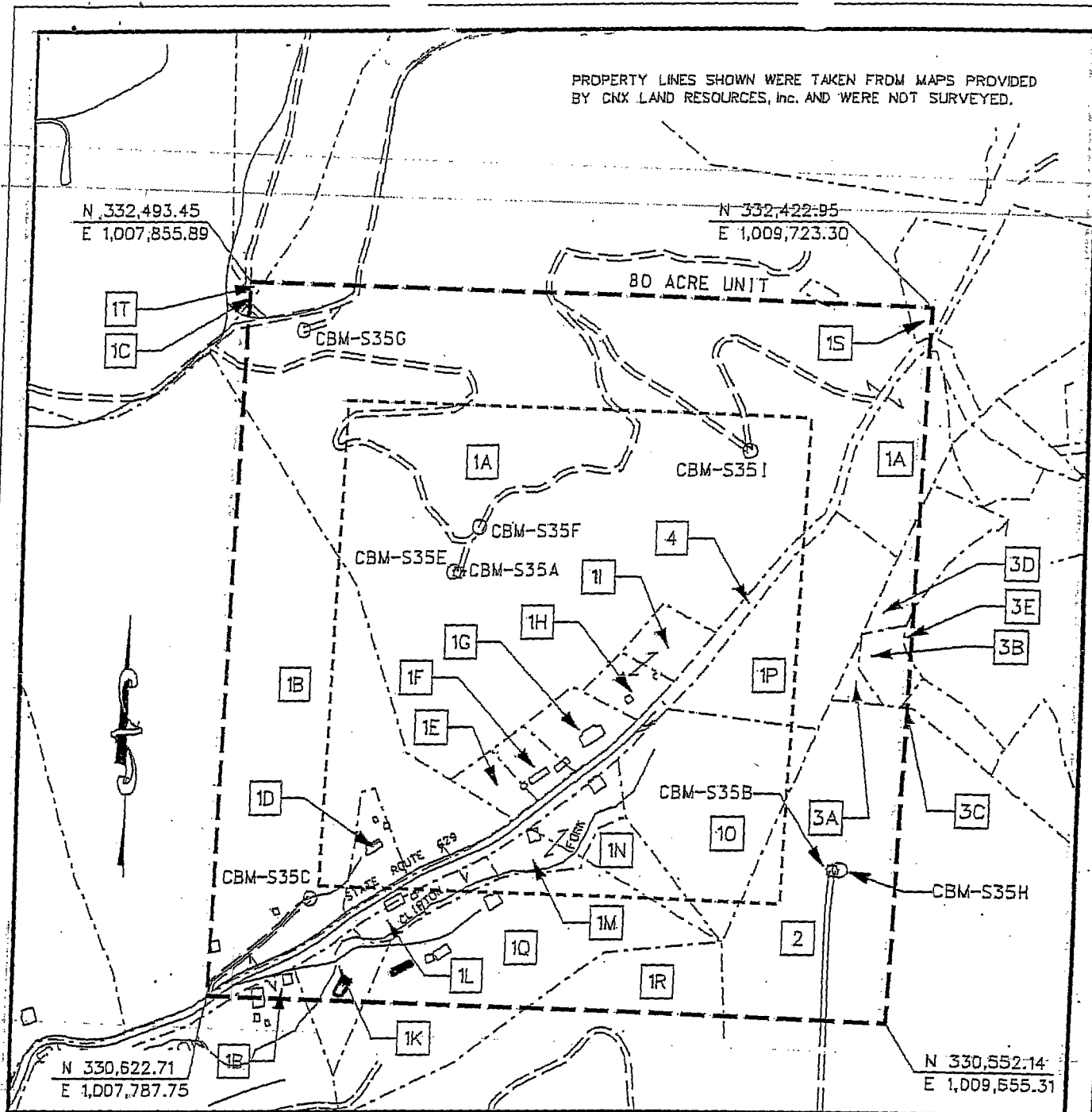


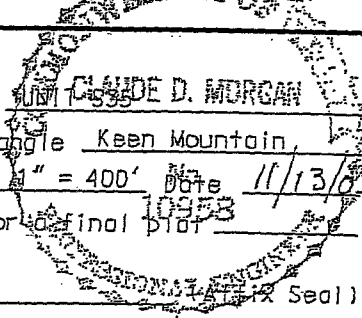
EXHIBIT A  
OAKWOOD FIELD  
UNIT S-35  
FORCE POOLING  
VGOB-98-02151-D581-01

Company CNX Gas Company LLC Well Name and Number UNIT S-35  
Tract No. \_\_\_\_\_ Elevation \_\_\_\_\_ Quadrangle Keen Mountain  
County Buchanan District Garden Scale: 1" = 400' Date 11/13/03  
This plat is a new plat X ; an updated plat \_\_\_\_\_ ; or a final plat \_\_\_\_\_

Form DGO-GO-7

*Claude D. Morgan*

Professional Engineer or Licensed Land Surveyor



6e

CNX Gas Company LLC

UNIT S-35

Tract Identification

1. H. S. T. Group L.C. (1168.71 Acre Tract) – All Minerals  
Island Creek Coal Company/Consolidation Coal Company – Below Drainage Coal Leased  
Jewell Smokeless Coal Corporation – Above Drainage Coal Leased  
CNX Gas Company LLC - CBM Leased  
71.02 acres 88.7750%
- 1A. Betty Ferrell - Surface
- 1B. Consolidation Coal Company
- 1C. Jerry W. Keene, et al - Surface
- 1D. Consolidation Coal Company – Surface
- 1E. Starling Osborne, et ux – Surface
- 1F. Barbara A. Osborne – Surface
- 1G. Ray Horn – Surface
- 1H. Troy Horn, et ux – Surface
- 1I. Troy Horn, et ux – Surface
- 1J. Commonwealth of Virginia – Surface
- 1K. Consolidation Coal Company – Surface
- 1L. Silva V. Clifton, et vir – Surface
- 1M. Consolidation Coal Company – Surface
- 1N. Timmy D. Compton – Surface
- 1O. Billy I. Hylton – Surface
- 1P. Bascom Clifton – Surface
- 1Q. Naomi Clifton, et al – Surface
- 1R. CNX Gas Company LLC – Surface
- 1S. Kenneth Byrd – Surface
- 1T. Ruth Culbertson, et al – Surface
2. Hurt McGuire Land Trust (William P. Stilwell 143.6 Acre Tract) - Coal  
Consolidation Coal Company – Below Drainage Coal Leased  
A.T. Massey – Above Drainage Coal Leased  
CNX Gas Company LLC - CBM Leased  
Thomas Stilwell Heirs – Surface and All Minerals except Coal  
CNX Gas Company LLC – Oil, Gas and CBM Leased (71/72)  
6.67 acres 8.3375%

**CNX Gas Company LLC**

**UNIT S-35**

**Tract Identification**

3.       Hurt McGuire Land Trust (William P. Stilwell 143.6 Acre Tract) - Coal  
          Consolidation Coal Company - Below Drainage Coal Leased  
          A.T. Massey - Above Drainage Coal Leased  
          CNX Gas Company LLC - CBM Leased  
          Linkous Horn Heirs - All minerals except Coal  
          CNX Gas Company LLC - Oil, Gas and CBM Leased (10%)  
          1.15 acres               1.4375%
- 3A.       Eddie Justice - Surface  
3B.       Noah Keen, et ux - Surface  
3C.       Robert Trent - Surface  
3D.       Noah Keen, et al - Surface  
3E.       John David Osborne - Surface
4.       H. S. T. Group L.C. (1168.71 Acre Tract) - All Minerals  
          Island Creek Coal Company/Consolidation Coal Company - Below Drainage Coal Leased  
          Jewell Smokeless Coal Corporation - Above Drainage Coal Leased  
          CNX Gas Company LLC - CBM Leased  
          Commonwealth of Virginia - Surface  
          1.16 acres               1.4500%



**Exhibit E**  
**Unit S-35**  
**Docket # VGOB 98-0915-0681-04**  
**List of Conflicting Owners/Claimants that require escrow**

	<b>Acres in Unit</b>	<b>Percent of Unit</b>	<b>Division of Interest in</b>	
			<b>5-Right 15.69343%</b>	<b>6-Right 10.34483%</b>
<b><u>Tract #2, 6.67 acres</u></b>				
<b><u>COAL OWNERSHIP</u></b>				
(1) Hurt McGuire Land Trust c/o Charles Green P.O. Box 1067 Bluefield, VA 24605	6.67 acres	8.3375%	1.30844%	0.86250%
<b><u>OIL &amp; GAS OWNERSHIP</u></b>				
(1) Thomas Stilwell Heirs, Devisees, Successors or Assigns	6.67 acres	8.3375%	1.30844%	0.86250%
(f.7) Sylvia A. Shelton 549 Jacks Creek Road Raven, VA 24639	0.0926 acres 1/72 of 6.67 acres	0.1158%	0.01817%	0.01198%
(g) Cora Arnold Heirs, Devisees, Successors or Assigns				
(g.1) James H. Arnold, widower P. O. Box 626 Raven, VA 24637	0.2779 acres 1/24 of 6.67 acres	0.3474%	0.05452%	0.03594%
(h.6) Curtis Stilwell P. O. Box 2216 Cedar Bluff, VA 24609	0.0926 acres 1/72 of 6.67 acres	0.1158%	0.01817%	0.01198%
<b><u>Tract #3, 1.15 acres</u></b>				
<b><u>COAL OWNERSHIP</u></b>				
(1) Hurt McGuire Land Trust c/o Charles Green P.O. Box 1067 Bluefield, VA 24605	1.15 acres	1.4375%	0.22559%	0.14871%
<b><u>OIL &amp; GAS OWNERSHIP</u></b>				
Linkous Horn Heirs, Devisees Successors or Assigns	1.15 acres	1.4375%	0.22559%	0.14871%
(1) Arizona Osborne Heirs, Devisees, Successors or Assigns				
(a) Sydney Smith 1911 McVetty Road Salem, VA 24153	0.0383 acres 1/30 of 1.15 acres	0.0479%	0.00752%	0.00496%
(b) Kenneth R. Osborne 848 Peyton Street Roanoke, VA 24019	0.0383 acres 1/30 of 1.15 acres	0.0479%	0.00752%	0.00496%
(c) Martha Williams 1911 McVetty Road Salem, VA 24153	0.0383 acres 1/30 of 1.15 acres	0.0479%	0.00752%	0.00496%

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**Exhibit E**  
**Unit S-35**  
**Docket # VGOB 98-0915-0681-04**  
**List of Conflicting Owners/Claimants that require escrow**

		Acres in Unit	Percent of Unit	Division of Interest in 5-Right 15.69343%	6-Right 10.34483%
(2) Lydia Bell Blankenship Heirs, Devisees, Successors or Assigns					
(a)	Mary Jane Keen 1077 Longwall LN Raven, VA 24639	0.0105 acres 1/110 of 1.15 acres	0.0131%	0.00205%	0.00135%
(b)	Shirley Keen 1685 Honaker Branch Road Raven, VA 24639	0.0105 acres 1/110 of 1.15 acres	0.0131%	0.00205%	0.00135%
(c)	Patsy & Clyde Moore 6985 Horn Mountain Road Raven, VA 24639	0.0105 acres 1/110 of 1.15 acres	0.0131%	0.00205%	0.00135%
<i>Royalty Split Agreements have been executed, but are in dispute. Royalties attributable to this interest are currently being escrowed.</i>					
(d)	Brenda Sue & Eddie Justice P. O. Box 627 Keen Mountain, VA 24624	0.0105 acres 1/110 of 1.15 acres	0.0131%	0.00205%	0.00135%
<i>Royalty Split Agreements have been executed, but are in dispute. Royalties attributable to this interest are currently being escrowed.</i>					
(e)	James R. Osborne P. O. Box 484 Keen Mountain, VA 24624	0.0105 acres 1/110 of 1.15 acres	0.0131%	0.00205%	0.00135%
<i>Royalty Split Agreements have been executed, but are in dispute. Royalties attributable to this interest are currently being escrowed.</i>					
(f) Clifford Osborne Heirs, Devisees, Successors or Assigns					
(f.1)	Phyllis W. Osborne Rt.1 Box 157E Raven, VA 24639	0.0105 acres 1/110 of 1.15 acres	0.0131%	0.00205%	0.00135%
<i>Royalty Split Agreements have been executed, but are in dispute. Royalties attributable to this interest are currently being escrowed.</i>					
(g)	Ronnie & Sherry Osborne P. O. Box 12 Oakwood, VA 24631	0.0105 acres 1/110 of 1.15 acres	0.0131%	0.00205%	0.00135%
<i>Royalty Split Agreements have been executed, but are in dispute. Royalties attributable to this interest are currently being escrowed.</i>					
(h)	Charles M. Osborne 216 Plantation Drive Richlands, VA 24641	0.0105 acres 1/110 of 1.15 acres	0.0131%	0.00205%	0.00135%
<i>Royalty Split Agreements have been executed, but are in dispute. Royalties attributable to this interest are currently being escrowed.</i>					
(i)	Richard & Debbie Osborne P. O. Box 541 Keen Mountain, VA 24624	0.0105 acres 1/110 of 1.15 acres	0.0131%	0.00205%	0.00135%

**Exhibit E**  
**Unit S-35**  
**Docket # VGOB 98-0915-0681-04**  
**List of Conflicting Owners/Claimants that require escrow**

	Acres in Unit	Percent of Unit	Division of Interest in	
			5-Right 15.69343%	6-Right 10.34483%
<i>Royalty Split Agreements have been executed, but are in dispute. Royalties attributable to this interest are currently being escrowed.</i>				
(j) William Osborne Heirs, Devisees, Successors or Assigns				
(j.1) Ruth Keen (Deed of Gift to Joyce Lineberry 3/16/03)				
(j.1.1) Joyce Lineberry Mae c/o Rose Mae P.O. Box 172 Cooleemee, NC 27014	0.0105 acres 1/110 of 1.15 acres	0.0131%	0.00205%	0.00135%
<i>Royalty Split Agreements have been executed, but are in dispute. Royalties attributable to this interest are currently being escrowed.</i>				
(k) John David Osborne Heirs, Devisees, Successors or Assigns				
(k.1) Darlene B. Osborne Rt.1 Box 157 Raven, VA 24639	0.0105 acres 1/110 of 1.15 acres	0.0131%	0.00205%	0.00135%
<i>Royalty Split Agreements have been executed, but are in dispute. Royalties attributable to this interest are currently being escrowed.</i>				
(3) Henry Horn Heirs, Devisees, Successors or Assigns				
(a) Perry W. Horn P.O. Box 33 Raven, VA 24639	0.0383 acres 1/30 of 1.15 acres	0.0479%	0.00752%	0.00496%
(b) Larry M. Horn Heirs, Devisees, Successors or Assigns Heirs / Address Unknown	0.0383 acres 1/30 of 1.15 acres	0.0479%	0.00752%	0.00496%
(c) Ivory Horn Heirs, Devisees, Successors or Assigns				
(c.3) Tammy D. Boyd 1005 Kents Ridge Road Richlands, VA 24641	0.0064 acres 1/180 of 1.15 acres	0.0080%	0.00125%	0.00083%
(c.4) Margaret E. Dye 784 Big Creek Road Richlands, VA 24641	0.0064 acres 1/180 of 1.15 acres	0.0080%	0.00125%	0.00083%
(4) Thelma H. Osborne P. O. Box 33 Raven, VA 24639	0.1150 acres 1/10 of 1.15 acres	0.1438%	0.02256%	0.01487%
(7) Earnest Horn Heirs, Devisees, Successors or Assigns				
(a) Dorothy Horn Heirs, Devisees, Successors or Assigns (Heirs/Addresses Unknown)	0.1150 acres 1/10 of 1.15 acres	0.1438%	0.02256%	0.01487%

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**Exhibit E**  
**Unit S-35**  
**Docket # VGOB 98-0915-0681-04**  
**List of Conflicting Owners/Claimants that require escrow**

			Division of Interest in		
			5-Right	6-Right	
Acres in Unit			15.69343%	10.34483%	
(8)	Martha Smith P. O. Box 395 Max Meadows, VA 24360	0.1150 acres 1/10 of 1.15 acres	0.1438%	0.02256%	0.01487%
(9)	Sarah Horn Day P. O. Box 208 Peterstown, WV 24963	0.1150 acres 1/10 of 1.15 acres	0.1438%	0.02256%	0.01487%
(10)	Carl Horn Heirs, Devisees, Successors or Assigns				
(a)	Marilyn Taylor RR1 Box 1445 Pounding Mill, VA 24637	0.1150 acres 1/10 of 1.15 acres	0.1438%	0.02256%	0.01487%

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**Exhibit E**  
**Unit S-35**  
**Docket # VGOB 98-0915-0681-04**  
**List of Conflicting Owners/Claimants that require escrow**

			Division of Interest in		
			5-Right	6-Right	
Acres in Unit			Percent of Unit	15.69343%	10.34483%
(8)	Martha Smith P. O. Box 395 Max Meadows, VA 24360	0.1150 acres 1/10 of 1.15 acres	0.1438%	0.02256%	0.01487%
(9)	Sarah Horn Day P. O. Box 208 Peterstown, WV 24963	0.1150 acres 1/10 of 1.15 acres	0.1438%	0.02256%	0.01487%
(10)	Carl Horn Heirs, Devisees, Successors or Assigns				
(a)	Marilyn Taylor PO Box 285 Pounding Mill, VA 24637	0.1150 acres 1/10 of 1.15 acres	0.1438%	0.02256%	0.01487%

Exhibit EE  
Unit S-35  
Docket # VGOB 98-0915-0681-04  
List of Conflicting Owners/Claimants with Royalty Split Agreements

W9 still needed

W9 still needed

	Acres in Unit	Interest in Unit	Division of Interest in		Percent of Escrow
			5-Right	6-Right	
			15.69343%	10.34483%	
1.5716					
<u>Tract #2, 6.67 acres</u>					
<u>COAL OWNERSHIP</u>					
(1) Hurt McGuire Land Trust c/o Charles Green P.O. Box 1067 Bluefield, VA 24605	6.67 acres	8.3375%			
<u>OIL &amp; GAS OWNERSHIP</u>					
Thomas Stilwell Heirs, Devisees, Successors or Assigns	6.67 acres	8.3375%	1.30844%	0.86250%	
(1) Beulah V. Osborne c/o Vivian Osborne, POA Box 500 Oakwood, VA 24631	0.8338 acres 1/8 of 7.57 acres	1.0422%	0.16355%	0.10781%	n/a
(2) Raleigh Stilwell Heirs, Devisees, Successors or Assigns					
(a) Martha J. aka Juanita Stilwell P.O. Box 54 Raven, VA 24639	0.8338 acres 1/8 of 7.57 acres	1.0422%	0.16355%	0.10781%	n/a
(3) Paul Elmer Stilwell Heirs, Devisees, Successors or Assigns					
(a) Virginia N. Stilwell, widow 1106 Dial Road Raven, VA 24639	0.8338 acres 1/8 of 7.57 acres	1.0422%	0.16355%	0.10781%	n/a
(4) Arthur M. Stilwell P.O. Box 314 Raven, VA 24639	0.8338 acres 1/8 of 7.57 acres	1.0422%	0.16355%	0.10781%	n/a
(5) Exie Osborne Heirs, Devisees, Successors or Assigns					
(a.1) Myrtle Smith Heirs, Devisees, Successors or Assigns					
(a.1.1) Nancy Jackson P.O. Box 448 Doran, VA 24612	0.0695 acres 1/96 of 7.57 acres	0.0868%	0.01363%	0.00898%	n/a
(a.1.2) Darlene Ward 117 Franklin Avenue Richlands, VA 24641	0.0695 acres 1/96 of 7.57 acres	0.0868%	0.01363%	0.00898%	n/a
(a.2) Maxie Boyd Box 972 Raven, VA 24639	0.1390 acres 1/48 of 7.57 acres	0.1737%	0.02726%	0.01797%	n/a
(a.3) Ruth Osborne Smith Box 672 Doran, VA 24612	0.1390 acres 1/48 of 7.57 acres	0.1737%	0.02726%	0.01797%	n/a
(a.4) Judy Blankenship Box 221 Doran, VA 24612	0.1390 acres 1/48 of 7.57 acres	0.1737%	0.02726%	0.01797%	n/a

*Revised*  
3/16/10 VGOB 14

Exhibit EE  
Unit S-35  
Docket # VGOB 98-0915-0681-04  
List of Conflicting Owners/Claimants with Royalty Split Agreements

W9 still needed

	Acres in Unit	Interest in Unit	Division of Interest in		Percent of Escrow
			5-Right 15.69343%	6-Right 10.34483%	
					1.5716
(a.5) John Osborne Box 6 Shortt Gap, VA 24647	0.1390 acres 1/48 of 7.57 acres	0.1737%	0.02726%	0.01797%	n/a
(a.6) Ida Proffitt Box 6 Shortt Gap, VA 24647	0.1390 acres 1/48 of 7.57 acres	0.1737%	0.02726%	0.01797%	n/a
(6) Flossie Stilwell Osborne Heirs, Devisees, Successors or Assigns					
(a) Hubbard Osborne 3195 Osborne Mountain Rd. Raven, VA 24639	0.0926 acres 1/72 of 7.57 acres	0.1158%	0.01817%	0.01198%	n/a
(b) Linda S. Shelton P. O. Box 521 Pounding Mill, VA 24637	0.0926 acres 1/72 of 7.57 acres	0.1158%	0.01817%	0.01198%	n/a
(c) Jerline Davis 118 Coronado Rd. North Tazewell, VA 24630	0.0926 acres 1/72 of 7.57 acres	0.1158%	0.01817%	0.01198%	n/a
(d) Arlin W. Osborne	<i>Transferred interest to d.1 per deed dated June 18, 2009</i>				
(d.1) Waldon Darrell Clifton PO Box 169 Richlands, VA 24641	0.0926 acres 1/72 of 7.57 acres	0.1158%	0.01817%	0.01198%	n/a
(e) Jackie D. Osborne 1995 Altizer Road Raven, VA 24639-1995	0.0926 acres 1/72 of 7.57 acres	0.1158%	0.01817%	0.01198%	n/a
(f) Daniel J. Osborne 1068 Harvest Moon Road Raven, VA 24639	0.0926 acres 1/72 of 7.57 acres	0.1158%	0.01817%	0.01198%	n/a
(h) Marvin J. Osborne P. O. Box 1607 Cedar Bluff, VA 24609	0.0926 acres 1/72 of 7.57 acres	0.1158%	0.01817%	0.01198%	n/a
(i) Lois Gasey 5-112 Sunny Hills Dr. Cedar Bluff, VA 24609	0.0926 acres 1/72 of 7.57 acres	0.1158%	0.01817%	0.01198%	n/a
(7) Sylvester Stilwell Osborne Heirs, Devisees, Successors or Assigns					
(b) Leonard C. Stilwell P. O. Box 932 Raven, VA 24639	0.0926 acres 1/72 of 7.57 acres	0.1158%	0.01817%	0.01198%	n/a
(c) Jay C. Stilwell Heirs, Devisees, Successors or Assigns					
(c.1) Connie Stilwell, widow P. O. Box 723 Raven, VA 24639	0.0926 acres 1/72 of 7.57 acres	0.1158%	0.01817%	0.01198%	n/a
(d) Wanda Hagy Box 1738 Richlands, VA 24641	0.0926 acres 1/72 of 7.57 acres	0.1158%	0.01817%	0.01198%	n/a

Exhibit EE  
Unit S-35  
Docket # VGOB 98-0915-0681-04  
List of Conflicting Owners/Claimants with Royalty Split Agreements

W9 still needed

	Acres in Unit	Interest in Unit	Division of Interest in		Percent of Escrow
			5-Right 15.69343%	6-Right 10.34483%	
(e) Bessie Lowe P. O. Box 47 Shortt Gap, VA 24647	0.0926 acres 1/72 of 7.57 acres	0.1158%	0.01817%	0.01198%	1.5716% n/a
(f) Theodore Stilwell HC66 Box 112A Whitewood, VA 24657	0.0926 acres 1/72 of 7.57 acres	0.1158%	0.01817%	0.01198%	2.9473%
(8) Charlie Stilwell Osborne Heirs, Devisees, Successors or Assigns					
(a) Bernadine R. Lisburg 1418 First Avenue South Fargo, ND 58103	0.2779 acres 1/24 of 7.57 acres	0.3474%	0.05452%	0.03594%	n/a
(b) Gladys E. Pollert 1121 29 Street NW Fargo, ND 58102	0.0926 acres 1/72 of 7.57 acres	0.1158%	0.01817%	0.01198%	n/a
(c) David W. Stilwell 507 E. Minnesota #107 Rapid City, SD 57701	0.0926 acres 1/72 of 7.57 acres	0.1158%	0.01817%	0.01198%	n/a
(d) Thomas H. Stilwell 27 Horseshoe Bend Fargo, ND 58104	0.0926 acres 1/72 of 7.57 acres	0.1158%	0.01817%	0.01198%	n/a
(e) Quentin A. Stilwell P. O. Box 154 Rhome, ND 58651	0.0926 acres 1/72 of 7.57 acres	0.1158%	0.01817%	0.01198%	n/a
(f) Daniel J. Stilwell D77 El Rancho Trailer Ct. Mandan, ND 58554	0.0926 acres 1/72 of 7.57 acres	0.1158%	0.01817%	0.01198%	n/a
(g) Bernice R. Lamb 2124 County Road 116 International Falls, MN 56649	0.0926 acres 1/72 of 7.57 acres	0.1158%	0.01817%	0.01198%	n/a

Tract #3, 1.15 acres

COAL OWNERSHIP

(1) Hurt McGuire Land Trust c/o Charles Green P.O. Box 1067 Bluefield, VA 24605	1.15 acres	1.4375%
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OIL & GAS OWNERSHIP

Linkous Horn Heirs, Devisees Successors or Assigns	1.15 acres	1.4375%			
(3) Henry Horn Heirs, Devisees, Successors or Assigns					
(c) Ivory Horn Heirs, Devisees, Successors or Assigns					
(c.1) Patricia D. Horton 200 Birch Street Raven, VA 24639	0.0064 acres 1/180 of 1.15 acres	0.0080%	0.00125%	0.00083%	0.2033%

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Exhibit EE  
Unit S-35  
Docket # VGOB 98-0915-0681-04  
List of Conflicting Owners/Claimants with Royalty Split Agreements

W9 still needed

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			Interest in Unit	Division of Interest in		Percent of Escrow
				5-Right 15.69343%	6-Right 10.34483%	
			Acres in Unit			1.5716
(c.2)	Nellie A. Maynard P.O. Box 296 Raven, VA 24639	0.0064 acres 1/180 of 1.15 acres	0.0080%	0.00125%	0.00083%	n/a
(c.5)	Danny W. Elder P.O. Box 296 Raven, VA 24639	0.0064 acres 1/180 of 1.15 acres	0.0080%	0.00125%	0.00083%	n/a
(c.6)	Robert G. Elder P.O. Box 65 Raven, VA 24639	0.0064 acres 1/180 of 1.15 acres	0.0080%	0.00125%	0.00083%	n/a
(5)	Joseph P. Horne 492 Gray Branch Road Cedar Bluff, VA 24639	0.1150 acres 1/10 of 1.15 acres	0.1438%	0.02256%	0.01487%	n/a
(6)	Nancy Ann Horn Stilwell 140 Rasnake Road North Tazewell, VA 24630	0.1150 acres 1/10 of 1.15 acres	0.1438%	0.02256%	0.01487%	3.6587%
(7)	Earnest Horn Heirs, Devisees, Successors or Assigns					
(8)	Martha Smith P. O. Box 395 Max Meadows, VA 24360	0.1150 acres 1/10 of 1.15 acres	0.1438%	0.02256%	0.01487%	3.6587%
(9)	Sarah K. Day P. O. Box 208 Peterstown, WV 24963	0.1150 acres 1/10 of 1.15 acres	0.1438%	0.02256%	0.01487%	3.6587%

**Exhibit A**  
**Tract-by-Tract Escrow Calculation**  
**Account Balances as of 12/31/09**

**Unit S35**  
**VGOB 98-0915-0681-04**  
**Acres Escrowed: 1.571600**

Owners	Tract #	Acres	Owner Acres	Interest	Owners' Percent of Escrow (50%)	Amount Due Owners \$16,711.85
Hurt McGuire Land Trust	2	0.5558			2.9473%	\$492.54
Thomas Stilwell Heirs		6.67				
Theodore Stilwell			0.0926	1/72	2.9473%	\$492.54
Hurt McGuire Land Trust	3	1.0158			11.1793%	\$1,868.27
Linkous Horn Heirs		1.15				
Patricia Horton			0.00639	1/180	0.2033%	\$33.97
Nancy Ann Stilwell			0.11500	1/10	3.6587%	\$611.44
Martha Smith			0.11500	1/10	3.6587%	\$611.44
Sarah Day			0.11500	1/10	3.6587%	\$611.44

**Wells contributing to the escrow account:**

S35A & S35B

INSTRUMENT #100001393  
RECORDED IN THE CLERK'S OFFICE OF  
BUCHANAN COUNTY ON  
MAY 26, 2010 AT 12:34PM  
BEVERLY S. TILLER, CLERK  
RECORDED BY: SLB